

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jacqueline Asencio	Team: Team # 1	CCRB Case #: 201109854	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/30/2011 11:20 PM	Location of Incident: § 87(2)(b) & 43rd Precinct stationhouse		Precinct: 43	18 Mo. SOL 1/30/2013	EO SOL 1/30/2013
Date/Time CV Reported Sun, 07/31/2011 9:47 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 07/31/2011 9:47 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Edwin Espinal	09609	934831	043 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Ruggieri	25662	947841	043 PCT
2. SGT Keith Laliberte	00868	920488	043 PCT
3. POM Patrick Socorro	02256	947500	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Edwin Espinal	Abuse: PO Edwin Espinal entered § 87(2)(b) in the Bronx.	
B.POM Edwin Espinal	Abuse: At § 87(2)(b) in the Bronx, PO Edwin Espinal damaged § 87(2)(b)'s property.	
C.POM Edwin Espinal	Force: At § 87(2)(b) in the Bronx, PO Edwin Espinal used physical force against § 87(2)(b)	
D.POM Edwin Espinal	Abuse: At the 43rd Precinct stationhouse, PO Edwin Espinal did not obtain medical treatment for § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB on behalf of herself and her husband, § 87(2)(b) via the call processing system on July 30, 2011. § 87(2)(b) made a duplicate complaint regarding the same incident by phone with the CCRB on August 1, 2011. On July 30, 2011, at approximately 11:20pm, § 87(2)(b) had an altercation with his neighbors at § 87(2)(b) in the Bronx. PO Edwin Espinal, PO Joseph Ruggieri, Sgt. Keith Laliberte, and PO Patrick Socorro, all from the 43rd Precinct, arrived at the location. The following allegations resulted from the encounter:

Allegation A: Abuse of Authority: PO Edwin Espinal entered § 87(2)(b) in the Bronx.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation B: Abuse of Authority: At § 87(2)(b) in the Bronx, PO Edwin Espinal damaged § 87(2)(b)'s property.

§ 87(2)(g)
§ 87(2)(g)

Allegation C: Force: At § 87(2)(b) in the Bronx, PO Edwin Espinal used physical force against § 87(2)(b)

Allegation D: Abuse of Authority: At the 43rd Precinct stationhouse, PO Edwin Espinal did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b), § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

This case was originally assigned to Inv. Kathryn Duffy. After Inv. Duffy's departure from the agency, the case was reassigned to the undersigned on March 28, 2012.

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) Asian female, who is 5'4", weighs 144 pounds, has brown hair and brown eye## At the time of the interview, § 87(2)(b)

CCRB Testimony

§ 87(2)(b) provided a statement to the CCRB on August 19, 2011 (encl. 7d-7g). Her statement was generally consistent with her initial CCRB complaint narratives (encl. 6b) and with her CCRB phone statement on August 5, 2011 (encl. 7a-7c) with exceptions noted in the text.

On July 30, 2011, at approximately 1:00pm, § 87(2)(b) and her husband, § 87(2)(b) (who will be referred to as § 87(2)(b) throughout the report), began a barbecue for the birthday of their son, § 87(2)(b). There were approximately fifty guests present at their home at any given time but the groups came and went throughout the day. At approximately 10:00 pm, § 87(2)(b) estimated that there were about forty people present with eleven guest vehicles parked in their yard, behind a brick gate that surrounds the property. One of the guests wanted to pull his car out of the driveway, but the passage was blocked by a neighbor's car that was parked in front of their gate. § 87(2)(b)'s brother-in-law, who she identified as § 87(2)(b), § 87(2)(b) left to find the neighbor to ask him to move his car while § 87(2)(b) stood in front of the gate. § 87(2)(b), § 87(2)(b) returned and said that he had not been able to find the owner of the car. § 87(2)(b) had been drinking since the barbecue started, and § 87(2)(b) estimated that he had consumed six or seven cans of Coors light beer. He threw an empty can of Coors light to the ground and walked back into the yard. § 87(2)(b) asked § 87(2)(b) why he had done that, and he said he was tired because the neighbors always blocked their driveway.

At that point, § 87(2)(b) the owner of the car, a neighbor who lived across the street, identified via investigation as § 87(2)(b) came running across the street to argue with § 87(2)(b). § 87(2)(b) stayed on the sidewalk while he talked to § 87(2)(b) who was standing behind the open gate. § 87(2)(b) and § 87(2)(b) "had words" about § 87(2)(b) throwing the beer can and about § 87(2)(b)'s family's habit of blocking the driveway, but no physical altercation ensued. While § 87(2)(b) and § 87(2)(b) were arguing, another neighbor who had nothing to do with the situation, later identified via investigation as § 87(2)(b) came running up from elsewhere on the street and joined in the argument, although he had not been initially involved in the situation.

§ 87(2)(b) crossed the threshold of the gate and entered the yard to argue with § 87(2)(b) who asked him, "What the hell are you doing? This is private property." Initially § 87(2)(b) stated that § 87(2)(b) pushed § 87(2)(b) out of the yard. Later, § 87(2)(b) clarified that she was actually between § 87(2)(b) and § 87(2)(b) but it was not clear how he left the yard. Once § 87(2)(b) was out of the yard, § 87(2)(b) shut the gate. Then, she turned to her husband and told him that he had had too much to drink and needed to go to bed. She went inside and made sure § 87(2)(b) went to bed, and then returned to the barbecue.

When § 87(2)(b) returned outside, § 87(2)(b) was complaining that he had lost a chain in their yard. § 87(2)(b) speculated that the chain could have fallen off when she and her husband pushed § 87(2)(b) out of their yard, but she was not sure how it happened, or when. § 87(2)(b) agreed to look for the chain in their yard, and § 87(2)(b) accompanied her. They looked without success until § 87(2)(b) said that he had a handheld light at home to help; he went to get the light, but when he returned they were still unable to find his chain in § 87(2)(b)'s yard. After searching for an indeterminate amount of time, § 87(2)(b) told § 87(2)(b) she would continue to look for the chain in the morning when there was light, but that they should cease the search for now. § 87(2)(b) agreed to this and seemed to be satisfied and left the area.

About forty-five minutes after § 87(2)(b) finished looking for the chain, at what § 87(2)(b) estimated to be about 11:35 pm, § 87(2)(b) who had been out with friends, returned to the barbecue and encountered § 87(2)(b). The gates to the property were locked at this time and

had been since the prior issue with the § 87(2)(b) and numerous other people confronted § 87(2)(b) and told him that § 87(2)(b) had taken his chain. § 87(2)(b) was confused because he was not aware of the prior incident, and he responded as such. § 87(2)(b) was standing on the other side of the yard, in the back, and saw some of the interaction with § 87(2)(b). She could not hear the entire exchange but was told parts of it later by her son.

When § 87(2)(b) noticed that § 87(2)(b) and his friend were trapped outside the gate, she ran to unlock it, and saw that § 87(2)(b) and eight other people in a group comprised of both males and females had § 87(2)(b) “against the fence.” First, she asked, “What’s going on?” and then she instructed § 87(2)(b) to “forget about them” and come inside, although he could not because the gate was still locked. Then § 87(2)(b)’s friend, “§ 87(2)(b) who § 87(2)(b) did not know, took a machete from somewhere on his person and hit it against the gate. When § 87(2)(b) hit the machete against the gate, it caused § 87(2)(b) and his group to back away long enough for § 87(2)(b) to get § 87(2)(b) and § 87(2)(b) inside. When § 87(2)(b) and § 87(2)(b) came inside the gate, § 87(2)(b) slapped § 87(2)(b) in the face for threatening her neighbors with a machete, and § 87(2)(b) pushed § 87(2)(b) while exclaiming, “What the hell were you doing?” Shortly thereafter police arrived. § 87(2)(b) assumed they had been called by the § 87(2)(b). The officers jumped over the fence surrounding the yard, which is approximately four feet tall.

§ 87(2)(b) thought there were about thirty people on the premises at this point. Four or five uniformed officers jumped the gate, and ran to the back yard, where most of the attendees were gathered. The officers instructed everyone present to get against the wall. Because guests were all over the property, they stood against three different walls of the building.

At the moment that the officers ordered everyone against a wall, § 87(2)(b) had been walking from inside the house, where she had been helping a group of young girls get ice cream, and had just emerged into the yard (it was not clear how § 87(2)(b) knew how the officers entered her yard if she was inside the house at the time of their entry). § 87(2)(b) thought officers walked through her house (though she did not see this, and no one told her that this happened) because some of the children who had been preparing to watch a movie came walking out of the house, holding bowls and a bucket containing ice cream, and an officer was with them, but § 87(2)(b) could not remember if the officer came from the house or not.

An unidentified officer asked the crowd for the person who had a machete, and § 87(2)(b) called out to § 87(2)(b) to bring the machete to the officer##. She had not noticed that he was already in the front yard talking to officer##. The officers were in the front yard with § 87(2)(b) for approximately three minutes, while § 87(2)(b) took the machete from an unknown hiding place and gave it to the officer##. He was placed in the back of a police vehicle. § 87(2)(b) did not know what else occurred in the three minute period that the officers were at the front of the house.

After the officers had secured § 87(2)(b) in a police vehicle, four or five male uniformed officers asked § 87(2)(b) “Where is the male owner of the house?” § 87(2)(b) told them that § 87(2)(b) was upstairs sleeping. She said at one point that she had to point out the appropriate door to the officer##. The officers entered her home without her permission. Four officers, including PO Edwin Espinal of the 43rd Precinct, a black Hispanic male standing at 5’4”, weighing 165 pounds, identified when § 87(2)(b) asked for his name and he provided it, went up the stairs just inside the door. In her phone statement, § 87(2)(b) stated to Inv. Duffy, “Okay, they are going to talk to my husband. I didn’t see nothing wrong with that.”

§ 87(2)(b) heard “banging” and “kicking around” inside the house and so she went inside to investigate what was happening. § 87(2)(b) went up the flight of stairs and saw that the officers had broken a door or gate that is kept closed to prevent small children from accessing the steep stairwell, and there was damage to the hinge## Officers had entered a second door that led to the hallway with the bedroom where § 87(2)(b) was sleeping. She followed and saw a group of officers in the bedroom.

§ 87(2)(b) heard an officer tell her husband that they needed to speak to him. § 87(2)(b) answered, “For what? You’re in my bedroom, you just broke my door down, what do you need to talk to me about? I don’t understand. Do you have a warrant to be in here?” An officer asked him to come with them, but did not explain why. § 87(2)(b) went “back and forth” with the officers and said, “I’m not going nowhere. I didn’t commit no crime, I’m staying right here. I don’t know what it is you guys wanted and you have no right to be here.” § 87(2)(b) described § 87(2)(b) as “very outspoken” during this exchange. The officers never mentioned that someone had accused § 87(2)(b) of a crime.

At this point, an officer pulled § 87(2)(b) into the hallway after an officer said, “Get her out.” She first heard a voice say, “You’ve got a damn big mouth,” and then heard her husband screaming. The officers moved past her and dragged § 87(2)(b) down the stair## § 87(2)(b) followed them. Later in the interview, § 87(2)(b) stated that PO Espinal was the officer who took § 87(2)(b) outside.

Once out of the house, § 87(2)(b) asked an unidentified white male uniformed officer what § 87(2)(b) s crime was. The officer told her that someone had accused § 87(2)(b) of stealing a chain. § 87(2)(b) asked if he was referring to § 87(2)(b) and recounted the story of how she and § 87(2)(b) had looked for his chain together in the yard. The officer went to give this information to another officer, who § 87(2)(b) could not describe, but the other officer said, “He’s bloody, the door’s broken, we have to take him down to booking.” She could not see where § 87(2)(b) was at this point.

Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-year-old Asian male, who is 5’8”, weighs 185 pounds, has black hair and brown eye## At the time of the interview, § 87(2)(b) § 87(2)(b)

Arrest Photograph

§ 87(2)(b) s arrest photograph shows no visible injuries (encl. 8a).

§ 87(2)(b)

§ 87(2)(b) went to the hospital on § 87(2)(b). He told hospital personnel that he was assaulted by police two days prior to his visit (encl.17e). § 87(2)(b) also told hospital personnel that he had right ribcage pain, and bilateral hand and facial pain (encl. 17e & 17i).

CCRB Testimony

§ 87(2)(b) provided a statement to the CCRB on August 19, 2011 (encl.8b-8e). On March 29, 2012, the undersigned contacted § 87(2)(b) and asked him additional questions from the interview. His statement was generally consistent with § 87(2)(b) s statement with exceptions noted in the text.

From the start of the party until the incident time, § 87(2)(b) drank two cans of beer and was not intoxicated. He estimated there to be ten to twelve guests outside in the yard, including § 87(2)(b)'s friend## § 87(2)(b) son, also named § 87(2)(b) had been outside and saw § 87(2)(b) throw a beer can to the ground. § 87(2)(b) thought § 87(2)(b) had thrown the can at his father's Ford Expedition, so he came running across the street to make sure the car was not damaged and yelled, "What are you doing to my car?"

When § 87(2)(b) arrived, he pushed § 87(2)(b) and grabbed him by the shirt collar. § 87(2)(b) pushed § 87(2)(b) back onto the sidewalk and then closed the gate.

§ 87(2)(b) woke to someone shaking him on the left side of his body and nudging or pulling one of his feet. He heard a male voice say, "Get up. Wake up." § 87(2)(b) saw five male uniformed officers dressed in uniform, but he could not describe any of them other than PO Espinal, a dark-skinned male with a medium build and short hair, identified when § 87(2)(b) gave him the officer's name. It was dark and § 87(2)(b) could not see the other officer##

When § 87(2)(b) refused to go with the officers, he was dragged by the back of his shirt and pulled down the stairs by PO Espinal and another officer he could not describe. PO Espinal told § 87(2)(b) that he had a big mouth, and punched him on the forehead and on the left side of his jaw. § 87(2)(b) received a one-inch scar above his left eyebrow. PO Espinal continued to hit him in the right side of his ribcage for about five minutes, until § 87(2)(b) started screaming. § 87(2)(b) received bruising halfway up the right side of his torso. Eventually, he was handcuffed by one of the officers and dragged down the § 87(2)(b) closed his eyes in pain, so he could not see which officer did this, but he attributed the action to PO Espinal. Officers held him on either side and pulled him forward onto the staircase, dragging him along rather than him walking down the stairs using his own power. PO Espinal was the officer who had been guiding him once he was led outside and into a police car. None of the other officers ever struck § 87(2)(b) and he had no specific recollection of any of their other activities##

§ 87(2)(b) was brought to the 43rd Precinct stationhouse, but he had no recollection of being presented at the front desk, and he said there was no sergeant present. He was brought into a cell, where he lay on his back on the floor. PO Espinal attended to him the entire time that he was in the stationhouse. § 87(2)(b) asked for water, and PO Espinal told him to drink the dirty water from the toilet bowl. PO Espinal left the cell area, but came back shortly thereafter with a bottle of water for § 87(2)(b). At that point, § 87(2)(b) asked him for medical treatment for the pain in his side, but PO Espinal did not respond. At the time, there were approximately six men in the cell. § 87(2)(b) felt that there was no question that PO Espinal heard his request because they were less than one foot apart and facing one another. Later, PO Espinal returned to the cell area to provide § 87(2)(b) with a pair of sandals (because § 87(2)(b) had been in bed at the time of his arrest, he was not wearing § 87(2)(b)). At that time, § 87(2)(b) asked PO Espinal what he was charged with. PO Espinal said that it was a misdemeanor. § 87(2)(b) asked if his family was in the stationhouse, and PO Espinal confirmed that they were. He asked if he could see them, and PO Espinal said that he could not. Then, § 87(2)(b) asked again, "I need to see a doctor," but PO Espinal did not respond and walked away.

§ 87(2)(b) was brought to Bronx Central Booking. § 87(2)(b) saw the judge, who asked him what happened to his face. § 87(2)(b) told the judge that he was beaten by the § 87(2)(b) was allowed to return home, where he slept, and showered before seeking medical treatment at § 87(2)(b) the following morning. § 87(2)(b) did not know what he was charged with.

Witness: § 87(2)(b)

- On October 17, 2011 § 87(2)(b) and he provided a phone statement to the CCRB (encl. 9a).

Phone Statement

On July 30, 2011, § 87(2)(b) was walking down Virgil Place to a business he § 87(2)(b) also lives on the same street. As he walked he saw one of his employees, § 87(2)(b) sitting in front of § 87(2)(b) talking to another neighbor. There was a barbeque going on and everyone appeared intoxicated. § 87(2)(b) told § 87(2)(b) that one of the residents of § 87(2)(b) identified via investigation as § 87(2)(b) had smashed a bottle on the windshield of his mother's car. Someone came out from § 87(2)(b) and shoved § 87(2)(b) who shoved them back. When § 87(2)(b) fought back, a group of six to ten drunk men came outside and began shoving § 87(2)(b) and § 87(2)(b) both of whom shoved them back. § 87(2)(b) came outside and shoved § 87(2)(b) grabbing his gold chain necklace and breaking it. § 87(2)(b) called out for his daughter-in-law, who, with several other neighbors, had gathered, and he told her to call 911. A young man who § 87(2)(b) later learned was one of the party guests climbed on top of the fence surrounding § 87(2)(b) and swung a machete. Another call to 911 was made specifying that a machete was being used. The young man retreated back into the property at some point, and shortly thereafter § 87(2)(b) saw § 87(2)(b) carrying the machete although he did not swing it at anyone.

The police arrived and § 87(2)(b) told PO Espinal, who was described as a dark skinned Hispanic male uniformed officer with a short "little" afro, and PO1, a light-skinned Hispanic uniformed officer with a thin moustache, about the machete and about the chain that had been pulled from his neck. When the officers heard about the machete they rushed into the yard and had everyone line up. They discovered the machete on the ground at the back of the house, but the young man who had swung it was later released. The police told § 87(2)(b) that this was because he had not swung it at a specific individual but rather had swung it generally in the air.

Police escorted § 87(2)(b) to the back yard and asked him to identify the person who had taken his chain. He said the perpetrator was not there. The police said to one another that he must be the guy inside the house, and one of the officers went in to get him. The officer came back out and said he needed a hand because § 87(2)(b) was very intoxicated. While § 87(2)(b) was explaining his side of the story to the officers, § 87(2)(b) asserted that he had been trespassing and that her husband was only trying to make him leave the property. There was a lieutenant present who he described as a forty-five or forty-six year old white male with blonde or brown hair, dressed in a white-shirt uniform with a bar on his sleeve, who stood about 6'0" tall and weighed 220 to 225 § 87(2)(b) felt that the lieutenant was obnoxious because he wouldn't hear anyone out when they tried to tell him what happened, and at one point said, "I'm not here to hear your stories, I'm here because you called me." The lieutenant was aware of the entry into § 87(2)(b) by the officers but did not enter himself.

Witness: § 87(2)(b)

- On June 21, 2012 § 87(2)(b) provided a phone statement to the CCRB (encl. 10a).

Phone Statement

Initially § 87(2)(b) stated that § 87(2)(b) spilled a beer can on § 87(2)(b)'s mother's vehicle at § 87(2)(b). Later, he stated that the beer can was thrown at his own car. At the time, § 87(2)(b) was three houses down, and he was looking in that direction because he knew that they were all drunk. § 87(2)(b) knew something was going to happen and so he stared at them. § 87(2)(b)'s mother's vehicle, a black truck, was parked across the street. § 87(2)(b) had his vehicle, a green Acura, parked in front of § 87(2)(b)'s house, but it was not blocking the driveway. § 87(2)(b) was upset that his mother's vehicle was double-parked across the street.

§ 87(2)(b) approached § 87(2)(b) and asked him why he would do that. § 87(2)(b)'s family members tried to surround him. § 87(2)(b) put his hand in § 87(2)(b)'s face, touching him, and § 87(2)(b) pushed him back. A car pulled up behind § 87(2)(b) and he was punched from behind. At that point, § 87(2)(b)'s friend approached and everyone started to fight. § 87(2)(b) came to break up the fight. § 87(2)(b) believed that [his] brother came and grabbed § 87(2)(b)'s chain and ripped it off and threw it or "whatever he did with it." Not too many punches were thrown at each other at that time. Punches were thrown when § 87(2)(b) was getting hit from behind. The fight lasted for approximately ten § 87(2)(b) and § 87(2)(b) did not swing at them, and it was all scuffling. They were fighting in front of the driveway.

One of § 87(2)(b)'s nephews came out with a machete, and swung it over the fence. § 87(2)(b) did not think the fence was closed, but then stated that he believed it was closed. One of § 87(2)(b)'s friends had someone else in a chokehold. § 87(2)(b) told his friends to let the individual go. Someone tackled the man with the machete so that he would stop swinging it. No one was hit with the machete.

The police arrived and everyone told the police about the machete. § 87(2)(b) did not call the police. The two male officers (whom § 87(2)(b) was unable to describe) then went in with their guns drawn. One officer jumped over the fence and the other went through the gate and they went to the side of the house. The individual with the machete was arrested, but he was then released. § 87(2)(b) did not see anything that happened inside the house. § 87(2)(b) did not hear any yelling inside of the house. § 87(2)(b) saw when § 87(2)(b) was being taken out of the house, but § 87(2)(b) did not think he saw any injuries on § 87(2)(b). The officers asked § 87(2)(b) if he wanted to press charges in regards to the individual with the machete and he refused.

Witness: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-year-old black male, who is 6', has brown hair and brown § 87(2)(b). At the time of the interview, § 87(2)(b) did not want to provide his occupation.

CCRB Testimony

§ 87(2)(b) provided a statement to the CCRB on September 10, 2012 (encl. 11b-11c). § 87(2)(b) has no relationship with § 87(2)(b). His statement was generally consistent with his initial phone statement on May 3, 2012 (encl. 11a) with exceptions noted in the text.

On July 30, 2011, at approximately 11:20pm, § 87(2)(b) was inside of the holding cell at the 43rd Precinct stationhouse. When § 87(2)(b) was placed in the holding cell, there were three males already in the cell. § 87(2)(b) an Indian or Dominican dark-skin male, was brought into

the same cell by PO Espinal, a Hispanic uniformed officer with a shaved head/short haircut. § 87(2)(b) had a swollen face and a couple of bumps on his forehead by the hairline. § 87(2)(b) did not say anything in the holding cell and § 87(2)(b) did not notice if § 87(2)(b) appeared intoxicated. § 87(2)(b) did not see anyone ask § 87(2)(b) if he wanted medical attention.

A couple of hours later, PO Espinal spoke to § 87(2)(b) and told him that he would be alright and they would probably drop all the charge## PO Espinal asked § 87(2)(b) if he was alright and § 87(2)(b) replied, "Yeah, I'm alright." When the undersigned asked § 87(2)(b) if he heard § 87(2)(b) ask an officer for medical treatment, he stated, "That I really did not hear. No. No, I didn't hear anything." In his phone statement, § 87(2)(b) stated that § 87(2)(b) did ask for medical treatment and the officer told him, "Oh, well. I'll see what I can do." PO Espinal then left and did not return. They all left the cell at the same time to go to Bronx Central Booking.

Attempts to Contact Witnesses

- On December 12, 2011, Inv. Duffy called the § 87(2)(b)'s residence to speak to § 87(2)(b) and left a message with § 87(2)(b). On December 13, 2011, Inv. Duffy again called the § 87(2)(b) residence and left a voicemail message for § 87(2)(b). On December 14, 2011 and January 11, 2012, Inv. Duffy mailed § 87(2)(b) two "please call" letter## On March 29, 2012, the undersigned called for § 87(2)(b) and left a message with § 87(2)(b). § 87(2)(b) did not contact the undersigned in regards to this case.
- On October 17, 2011, Inv. Duffy called two individuals from the Sprint Print-Outs, who had called the police on July 30, 2011. One individual, identified herself as Yvette § 87(2)(b) informed Inv. Duffy that she saw the individual with the machete being taken out of the house in handcuff## § 87(2)(b) did not witness any police interaction with the civilians aside from the officers escorting this individual off the property (encl. 12a). The other individual, identified herself as Constance Perez, and she informed Inv. Duffy that she did not witness the incident with the machete, but she observed when the officers arrived at the location. § 87(2)(b) stated that the officers investigated the incident with the machete by questioning people and entering the yard (encl. 12b).
- § 87(2)(b) stated that there were six males in the holding cell at the time he asked PO Espinal for medical treatment. The police documentation identified these individuals as § 87(2)(b) and § 87(2)(b). § 87(2)(b) contacted the investigator in regards to this case. On May 10, 2012, § 87(2)(b) contacted the investigator, and he did not observe any incident at the stationhouse. The undersigned attempted to contact the remaining men via Lexis Nexis searches and letters, but none of the men contacted the investigator in regards to this case.

NYPD Statements:

Subject Officer: PO EDWIN ESPINAL

- § 87(2)(b)
§ 87(2)(b)

- On July 30, 2011, PO Espinal was assigned to Sector B, D, and G with PO Joseph Ruggieri in a marked vehicle. He was dressed in uniform and worked from 3:00pm to 11:00pm.

Memo Book

PO Espinal noted in his memo book that he received a call for a crime in progress at § 87(2)(b) at 10:02pm. PO Espinal noted in his memo book that § 87(2)(b) stated “male CPW with machete and one male owns house snatched chain during struggle regarding a dispute.” PO Espinal noted that two males were stopped and one male was in custody and § 87(2)(b) resisted in the house at 10:10pm. PO Espinal also noted in his memo book at 10:10pm that § 87(2)(b) refused to press charges (encl. 13a-13c).

Computerized Complaint and Arrest Reports

PO Espinal completed a complaint and arrest report for § 87(2)(b). He wrote the following on the reports, “At time, place, location, the c/v stated that the defendant did take a necklace during a dispute and stated, ‘I want him arrested too.’ The c/v identified the defendant as § 87(2)(b) the owner of § 87(2)(b) wearing a white shirt and multicolored shorts who was observed entering that location upon a/o’s arrival. Upon stopping and identifying the said defendant as described by the c/v, the defendant refused to exit the location stating, ‘This is my house and I don’t have to go anywhere.’ Upon effecting a lawful arrest, the defendant resisted arrest by means of struggling with the a/o, holding his arms to his chest and going limp, refusing to be handcuffed. Upon further investigation, the witness § 87(2)(b) DOB § 87(2)(b) stated, that the necklace was not taken but rather lost during a struggle between the c/v and the defendant. Upon addressing the c/v regarding these new findings, the c/v stated, ‘I just want my chain back...I wanna drop the charges’” (encl. 13d-13g).

CCRB Testimony

PO Espinal provided a statement to the CCRB on August 8, 2012 (encl. 13h-13j). On July 30, 2011, the officers received several calls at § 87(2)(b) in the Bronx. One of the calls was for a crime in § 87(2)(b). There was a call for a larceny in progress, and another call for a dispute in progress with a knife, all at the same location. In another call, a female caller stated that someone snatched her father-in-law’s chain and there was fighting at the location. The caller also reported that they had knives and bats. Several units responded to the calls.

When PO Espinal arrived at the location, there was a group of approximately eight people inside the gate on the property of § 87(2)(b) arguing with another group of approximately ten people outside the gate. There was no physical altercation. PO Espinal described the property as a two family home or a two story house with a gate along the front of the house. PO Espinal did not know if the gate surrounded the entire property and he did not remember if the gate was closed. When PO Espinal arrived there were different officers speaking to different people. PO Espinal observed § 87(2)(b) walking into the house when he arrived.

PO Espinal spoke to § 87(2)(b) who said that he had a verbal dispute with § 87(2)(b) regarding a blocked driveway at the location. The dispute turned into a physical struggle. § 87(2)(b) told PO Espinal that during the struggle, § 87(2)(b) took his chain and snatched it off his neck and started to walk into the house.

§ 87(2)(b) approached PO Espinal and told him about the verbal altercation and the physical altercation. PO Espinal did not recall where he was at the time he was having the conversation with § 87(2)(b). PO Espinal did not know if he was inside of the fence or outside of the fence.

PO Espinal had a crime that they had to investigate since § 87(2)(b) stated that his chain was snatched. PO Espinal asked § 87(2)(b) “Who is § 87(2)(b) replied, “That’s my husband.” § 87(2)(b) told PO Espinal that § 87(2)(b) went § 87(2)(b) This coincided with the fact that PO Espinal saw a person with that description go into the house. PO Espinal told § 87(2)(b) that they needed to speak to her husband. § 87(2)(b) repeated that he was § 87(2)(b) PO Espinal spoke to § 87(2)(b) and asked him, “If we get this guy, if he is in the house like you say he is, do you want to press charges?” § 87(2)(b) told PO Espinal, “Yes.” PO Espinal asked § 87(2)(b) “Are you sure? You are willing to go to court? You want to press charges?” § 87(2)(b) replied, “Yes.”

§ 87(2)(b) did not object to PO Espinal entering the house. PO Espinal suspected § 87(2)(b) of grand larceny or a robbery. PO Espinal did not recall if he conferred with any supervisor before going into the house. PO Espinal was sure supervisors were present at the scene since they received several calls, but he did not know who the officers were.

The door was open § 87(2)(b) PO Espinal looked up and there was a staircase. As PO Espinal was about to hit the first step on the stairway up to the main level, PO Espinal saw that the door was open and he saw a figure’s face. PO Espinal could not tell who the person § 87(2)(b) PO Espinal saw that the door was starting to close and PO Espinal ran up the § 87(2)(b) As PO Espinal ran up the stairs, the door closed as he made contact with the door. The door came open, and there was slight damage to the door by the cylinder of the door. PO Espinal did not kick down the door. PO Espinal stated that a city involved accident report was prepared. PO Espinal did not know who else went upstairs with him, but knew that he was the first officer to hit the first step.

When PO Espinal went into the room, § 87(2)(b) appeared to be sleeping, lying in bed face down, even though he had just been § 87(2)(b) PO Espinal asked § 87(2)(b) “Sir, sir? Are you § 87(2)(b) did not respond. PO Espinal asked again, “Sir, are you § 87(2)(b) PO Espinal touched § 87(2)(b) in order to get his attention.

§ 87(2)(b) stated, “Yes, this is my house. Get out of my house.” PO Espinal told § 87(2)(b) “This is the NYC Police Department. I need you to get up.” § 87(2)(b) told PO Espinal that he was not going anywhere, and his demeanor was uncooperative, argumentative, and he refused to cooperate with the investigation. § 87(2)(b) appeared intoxicated because he slurred his speech and he was not responding well to his statements and order##

PO Espinal told § 87(2)(b) to put his hands behind his back and told him that they were going § 87(2)(b) refused and they got into a struggle. Initially, PO Espinal stated that they fell down to the ground, but later stated that he was not sure if they went to the ground, but § 87(2)(b) s feet hit the ground. § 87(2)(b) struggled when he refused to put his hands behind his back, refused to get up, and refused orders to cooperate with the investigation. At one point, § 87(2)(b) went limp and would not stand straight. § 87(2)(b) would put his feet on the floor but then would lay back down on the bed. He would also pull his arms close to him. PO Espinal did not see § 87(2)(b) inside of the house, and he did not know if she was pulled by an officer.

PO Espinal was not the only officer trying to put § 87(2)(b) in handcuff## By constantly pulling § 87(2)(b) s arms, he was eventually able to straighten out his arm and put one handcuff on him. PO Espinal was not sure if another officer placed the other wrist in the

handcuff. PO Espinal believed he was on § 87(2)(b)'s right side. § 87(2)(b) was handcuffed in his room and taken outside. PO Espinal denied that he punched § 87(2)(b). § 87(2)(b) was able to walk normally down the staircase. PO Espinal did not observe any injuries on § 87(2)(b) who did not complain of any injuries##

§ 87(2)(b) identified § 87(2)(b) as the individual who took his chain. § 87(2)(b) asked PO Espinal if they found his chain since PO Espinal conducted a frisk and search of § 87(2)(b). PO Espinal did not recover the gold chain, and the officers never found the chain. PO Espinal began writing the information for the District Attorney and § 87(2)(b) told PO Espinal that he wanted his chain back. PO Espinal told § 87(2)(b) that he said that he wanted to press charges and he could not turn around and say that he did not want to press charges##

Later, PO Espinal found out that there was a person placed in custody for menacing with a machete, but PO Espinal thought that the criminal complainant decided not to press charges##. Since it was not PO Espinal's arrest, he did not know if the individual was placed under arrest. PO Espinal did not know the circumstances involving the incident with the machete.

§ 87(2)(b) was taken to the stationhouse after they got § 87(2)(b)'s information. PO Espinal stated that § 87(2)(b) did not ask him for medical treatment, which he would have remembered.

Witness Officer: PO JOSEPH RUGGERI

- § 87(2)(b)
- *On July 30, 2011, PO Ruggieri worked with PO Edwin Espinal in Sectors B, D, and G in a marked vehicle. He was dressed in uniform and worked from 3:00pm to 11:35pm.*

Memo Book

PO Ruggieri noted in his memo book that PO Espinal had § 87(2)(b) under arrest for obstruction of governmental administration at 11:05pm (encl. 14a-14c).

CCRB Testimony

PO Ruggieri provided a statement to the CCRB on October 12, 2012 (encl. 14d-14f). His statement was generally consistent with PO Espinal's statement with exceptions noted in the text.

When PO Ruggieri and PO Espinal arrived at the scene, they canvassed the location quickly for any weapons##. PO Ruggieri was not sure if his was the first sector to respond to the location. PO Ruggieri did not recall if the gate was open or closed. There were a lot of civilians present at the scene, but he could not estimate how many people. PO Ruggieri and PO Espinal were separated, and PO Ruggieri did not know where PO Espinal went. PO Ruggieri spent a couple of minutes conducting the canvas##.

Shortly after the canvass, PO Ruggieri went into the house. There was a commotion going on inside of the house and PO Ruggieri wanted to make sure no one was getting hurt. The house door was already open. PO Ruggieri heard yelling, but nothing that he could understand. PO Ruggieri did not remember any individual objecting to him entering the house.

There were already officers inside in a bedroom right off the stairs##. PO Ruggieri did not notice if the bedroom door was broken; he did not break anything. PO Ruggieri saw § 87(2)(b) on

the bed, but he did not know his position on the bed. PO Ruggieri could not say which officers were already inside of the bedroom, except for PO Espinal. At that point, all the officers were trying to get § 87(2)(b) into handcuff## § 87(2)(b) started to resist by holding his arms toward the center of his chest and not giving them his § 87(2)(b) was given many commands, "Give me your hand## Give me your hand##" Since § 87(2)(b) was holding his arms tight, PO Ruggieri tried to pull his arm out to get it behind his back. PO Ruggieri did not remember which arm he had grabbed. PO Ruggieri could not say what PO Espinal was doing since there were many officers present. PO Ruggieri could not estimate how many officers were present inside of the room. § 87(2)(b) was heavily resisting by holding his arms and not allowing the officers to handcuff him. PO Ruggieri did not know if § 87(2)(b) was intoxicated. Eventually, § 87(2)(b)'s hands were brought to his back and he was placed under arrest. PO Ruggieri believed § 87(2)(b) was handcuffed on the bed. PO Ruggieri did not punch § 87(2)(b) and he did not observe any officer punching him. PO Ruggieri did not have physical contact with § 87(2)(b) and did not see any other officers having physical contact with her.

PO Ruggieri did not remember who escorted § 87(2)(b) down the stairs, and he could not say if he did. PO Ruggieri did not drag § 87(2)(b) off the bed and down the stair## PO Ruggieri did not observe any injuries on § 87(2)(b) at the time, and did not hear him complain of any injuries## Sgt. Keith Laliberte responded to the scene, but he did not know where Sgt. Laliberte was specifically. PO Ruggieri went with § 87(2)(b) and PO Espinal to the stationhouse. PO Ruggieri did not have any verbal contact with § 87(2)(b) in the holding cell. PO Ruggieri did not remember if § 87(2)(b) asked him for medical treatment.

Witness Officer: SGT. KEITH LALIBERTE

- § 87(2)(b)
- *On July 30, 2011, Sgt. Laliberte was assigned as the patrol supervisor with PO Patrick Socorro in a marked vehicle. He was dressed in uniform and worked from 2:50pm to 11:47pm.*

Memo Book

Sgt. Laliberte noted in his memo book that he verified § 87(2)(b)'s arrest at 10:50pm (encl. 15a-15c).

CCRB Testimony

Sgt. Laliberte provided a statement to the CCRB on October 4, 2012 (encl. 15d-15f). On July 30, 2011, at approximately 10:15pm, Sgt. Laliberte and PO Socorro responded to a call of an assault in progress with an individual with a machete. When Sgt. Laliberte responded to § 87(2)(b) he observed a lot of people running around. There were two house parties going on and it was complete chaos## There were at least one hundred civilians at the scene. Sgt. Laliberte and PO Socorro were not the first unit to respond to the location. The civilians were yelling and screaming, but Sgt. Laliberte did not recall what the civilians were yelling and screaming about. There were no other supervisors present at the location.

Sgt. Laliberte found out that someone had come by with a machete, showed the machete, left, and dumped the machete somewhere. The officers looked at the location of where the machete was dumped, but there was nothing. Then, Sgt. Laliberte found out about an incident involving a gold chain. PO Espinal explained to Sgt. Laliberte that an individual grabbed the chain during the fight and took off running. Sgt. Laliberte and the officers proceeded to interview everyone Sgt.

Laliberte spoke to § 87(2)(b) about the chain and asked him who took his chain, what happened, and if he wanted to press charge## Sgt. Laliberte did not recall exactly what § 87(2)(b) told him, but said that he knew the individual who took his chain. Sgt. Laliberte saw PO Espinal running into § 87(2)(b) Sgt. Laliberte did not recall if PO Espinal spoke to a female before entering the house, and he did not recall if the house door was open or closed at the time PO Espinal went inside. There were other officers that entered the house with PO Espinal, but Sgt. Laliberte did not recall who those officers were. When PO Espinal entered the house, he was going to apprehend § 87(2)(b) for grand larceny. At one point in the interview, Sgt. Laliberte stated that PO Espinal did not tell him that he was going to run into the house.

Sgt. Laliberte heard a lot of commotion coming from the house. Sgt. Laliberte heard yelling and screaming, but he did not hear what was being said. Sgt. Laliberte entered the house, but he did not recall if any civilian told him not to enter the house. Sgt. Laliberte went up the stairs, made a right, and into a bedroom. Sgt. Laliberte observed the bedroom door was damaged, but Sgt. Laliberte did not recall what part of the door was damaged. Sgt. Laliberte found out that the door was damaged when PO Espinal pushed the door open to apprehend § 87(2)(b) There was a city incident report filed in regards to the door.

§ 87(2)(b) was laying on a bed face-up. The officers were trying to place § 87(2)(b) under arrest by talking to him. Sgt. Laliberte did not recall what § 87(2)(b) was saying, but it was a lot of gibberish. Sgt. Laliberte did not observe any injuries on § 87(2)(b) and he had no indication that he was involved in a fight (i.e. ripped clothing). § 87(2)(b) seemed intoxicated due to his slurred speech. Sgt. Laliberte did not recall if § 87(2)(b) objected to the officers being inside of the house. § 87(2)(b) physically resisted while being placed in handcuffs by flailing his arms, refusing to be handcuffed, pulling away, and screaming. Sgt. Laliberte assisted in handcuffing § 87(2)(b) by grabbing his arm, but Sgt. Laliberte did not know which arm he grabbed. Sgt. Laliberte did not recall which other officers were assisting in handcuffing § 87(2)(b) The officers picked up § 87(2)(b) off of the bed and he was placed in handcuffs inside the bedroom. Sgt. Laliberte did not punch § 87(2)(b) and the sergeant did not observe PO Espinal punching him. Sgt. Laliberte did not drag § 87(2)(b) out of his bed and he did not drag him down the stairs, and he did not observe PO Espinal doing so. Sgt. Laliberte did not recall if § 87(2)(b) was inside of the house, and he did not have any physical contact with her. Sgt. Laliberte did not observe any officer have physical contact with § 87(2)(b) did not complain of any injuries to Sgt. Laliberte. § 87(2)(b) was taken downstairs and out of the house. Sgt. Laliberte did not recall if the chain was recovered.

Sgt. Laliberte responded to the stationhouse, but he did not speak to § 87(2)(b) inside of the holding cell. § 87(2)(b) did not ask Sgt. Laliberte for medical treatment, and he did not observe him ask PO Espinal for medical treatment.

Witness Officer: PO PATRICK SOCORRO

- § 87(2)(b)
- *On July 30, 2011, PO Socorro was assigned as the sergeant's operator with Sgt. Keith Laliberte in a marked vehicle. He was dressed in uniform and worked from 3:00pm to 11:35pm.*

Memo Book

PO Socorro had the same memo book entry as Sgt. Laliberte (encl. 16a-16c).

CCRB Testimony

PO Socorro provided a statement to the CCRB on October 12, 2012 (encl. 16d-16f). His statement was generally consistent with Sgt. Laliberte's statement with exceptions noted in the text below.

There are officers already inside of the house on the bottom floor. PO Socorro did not see anything in regards to the entry. PO Socorro went into the house. There was no civilian objecting the officers entering the house. A couple of minutes later, PO Socorro heard a commotion upstairs## PO Socorro heard officers telling someone, "Stop resisting."

The commotion was loud and PO Socorro ran upstairs with other officer## PO Socorro did see a broken door, but he could not say what part of the door was broken, and he did not know who broke the door. PO Socorro did not know the circumstances involving the broken door. There were officers attempting to apprehend § 87(2)(b) in one of the room## PO Socorro observed § 87(2)(b) whom he described as heavy-set, on the bed with his hands underneath his body toward his chest refusing to provide them. PO Socorro was not sure of § 87(2)(b)'s position on the bed. PO Socorro did not know which officers were already inside of the room, and Sgt. Laliberte was not initially inside of the room when he got to the room. § 87(2)(b) was present at the bedroom doorway and she wanted to enter the room, but she was not allowed to do so. PO Socorro told her, "Don't come in." PO Socorro did not pull her away from entering the bedroom, and he did not see any officer pulling her away from entering the bedroom. PO Socorro did not remember anything specifically § 87(2)(b) was saying at the time. PO Socorro did not remember if Sgt. Laliberte said anything to her.

There were approximately more than five officers present, not including PO Socorro. PO Socorro was not sure exactly at what point Sgt. Laliberte arrived in the bedroom, but it was after PO Socorro's arrival. PO Socorro aided in the apprehension. Later in the interview, PO Socorro stated that he did not remember if he touched § 87(2)(b) PO Socorro did not see exactly what the other officers did in order to handcuff § 87(2)(b) and did not see exactly how § 87(2)(b) was placed in § 87(2)(b) seemed intoxicated to PO Socorro by his blood shot eye## PO Socorro did not punch § 87(2)(b) and he did not see any other officer doing so. PO Socorro did not see any injury on § 87(2)(b) and did not hear him complain of any injury.

§ 87(2)(b) was arrested and brought outside. PO Socorro did not know who escorted § 87(2)(b) down the stairs, and he did not know if he escorted him down the stair## PO Socorro did not drag § 87(2)(b) and he did not observe him being dragged. PO Socorro did not see § 87(2)(b) at the stationhouse, and he had no verbal or physical contact with him at the stationhouse.

Medical Records

§ 87(2)(b) had an abrasion to his forehead, swelling over his eyebrow, tenderness to his jaw, a right hand contusion, a right chest wall contusion, and a possible rib fracture (encl. 17r). § 87(2)(b) refused to get a "rib series" done (encl. 17r). He was prescribed Bacitracin ointment (encl. 17h).

NYPD Documents

Sprint Prints-Outs and Communications IA

On July 30, 2011, at approximately 10:12pm, a female caller called 911 and reported that her father-in-law's chain was ripped off his neck by another individual at § 87(2)(b). The female reported a fight and individuals had bats and machete## At 10:14pm, a female caller called 911 and reported people fighting with bottles and bat## At 10:19pm, a female caller called 911 and reported that there is an individual with a machete inside of § 87(2)(b). At 11:02pm, Sector B had one individual under arrest (encl. 18a-18g).

43rd Precinct Command Log

The command log indicated that PO Espinal arrested § 87(2)(b) for resisting arrest at 11:20pm. It was also noted that PO Ricardo Dolcine of the 43rd Precinct's name was crossed out and PO Espinal's name was written as the arresting officer. § 87(2)(b)'s physical/mental appearance was apparently normal. § 87(2)(b) was transported to Bronx Central Booking at 8:30am (encl. 18h).

43rd Precinct Holding Pen Roster

According to the roster, § 87(2)(b) and § 87(2)(b) were with § 87(2)(b) in the holding cell (encl. 18i).

Arrest for Incident and Disposition

- § 87(2)(b)'s arrest has been sealed (encl. 19b).

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on September 26, 2011, claiming that she has a broken door, a broken stair, and a broken light switch in her residence and is seeking \$850.00 as redress (encl. 20a-20b).

Civilians Criminal History

- As of January 3, 2013, Office of Court Administration records revealed no criminal convictions for § 87(2)(b) and § 87(2)(b) (encl. 19c-19d).

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 3a).

Subject Officer CCRB History

- PO Edwin Espinal has been a member of the service for eight years and there are no substantiated CCRB allegations against him (encl. 2a-2b).

Conclusion

Identification of Subject Officer

- PO Espinal acknowledged interacting with § 87(2)(b)

Investigative Findings and Recommendations

Allegation A: Abuse of Authority: PO Edwin Espinal entered § 87(2)(b) in the Bronx.

Allegation B: Abuse of Authority: At § 87(2)(b) in the Bronx, PO Edwin Espinal damaged § 87(2)(b)'s property.

It is undisputed that PO Espinal entered § 87(2)(b) PO Espinal and PO Ruggieri responded to several calls placed at the location, including a call for a larceny in progress, a call for fighting, and a call involving a machete. When PO Espinal arrived at the scene, § 87(2)(b) informed him that § 87(2)(b) snatched his gold chain, and walked into the house. § 87(2)(b) § 87(2)(b) alleged that officers including PO Espinal entered her home. In her phone statement, § 87(2)(b) stated that she did not see anything wrong with the officers going inside of her home to speak to her husband. PO Espinal testified that once § 87(2)(b) told him that he was going to press charges against § 87(2)(b) he entered the house. At the time, PO Espinal suspected § 87(2)(b) of committing either a grand larceny or a robbery. PO Espinal stated that § 87(2)(b) did not verbally tell him that he was not allowed to enter the house. Sgt. Laliberte, PO Ruggieri, and PO Socorro testified that officers were already inside of the residence before they entered the location. Sgt. Laliberte and PO Ruggieri did not recall if any individual objected when they entered the house, and PO Socorro testified that no individual objected to the entry.

In determining whether officers can enter a residence without a warrant, there must be a number of factors to consider, including: the violent nature of the crime, whether the suspect is reasonably believed to be armed, a clear showing of probable cause that the individual committed the crime, a strong reason to believe that the suspect is in the premises being entered, a likelihood that the suspect will escape if not swiftly apprehended, and the peaceful circumstances of the entry. *People v. McBride*, 14 N.Y.3d 440 (2010) (encl. 1a-1g). § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

Allegation C: Force: At § 87(2)(b) in the Bronx, PO Edwin Espinal used physical force against § 87(2)(b)

§ 87(2)(b) alleged that PO Espinal punched him once in the forehead, then again on the left side of his jaw and that he received a one-inch scar above his left eyebrow. He also alleged that he was dragged out of his bed. PO Espinal continued to hit him on the right side of his ribcage for about five minutes, and he received bruising halfway up the right side of his torso. After he was placed in handcuffs, § 87(2)(b) § 87(2)(b) alleged that he was dragged down the § 87(2)(b) Prior to the officers' arrival, § 87(2)(b) was involved in a physical altercation where he and § 87(2)(b) pushed each other. § 87(2)(b) testified that he had pushed § 87(2)(b) and a fight ensued with various other people. PO Espinal and all the officers interviewed for this case denied engaging in the actions described by § 87(2)(b) and testified that he resisted arrest. Although § 87(2)(b) received injuries noted in his medical records, he was involved in a physical altercation with other individuals prior to the officers' arrival at the location. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

Allegation D: Abuse of Authority: At the 43rd Precinct stationhouse, PO Edwin Espinal did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) alleged that he asked PO Espinal for medical treatment inside of the holding cell. Four of the six potential witnesses in the holding cell were uncooperative with the investigation. § 87(2)(b), § 87(2)(g)

_____.

Team: One

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date